

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF MISSISSIPPI
WESTERN DIVISION**

WORLEY BROWN, LLC

PLAINTIFFS

V.

CAUSE NO. 5:09-CV-42 KS-MTP

**THE MISSISSIPPI DEPARTMENT OF
ARCHIVES AND HISTORY**

DEFENDANTS

**ORDER OF DISMISSAL WITHOUT PREJUDICE
FOR LACK OF SUBJECT MATTER JURISDICTION**

This matter having come before the Court on the Defendant's *Motion to Dismiss on Grounds of Eleventh Amendment Immunity* and the *Response* thereto filed herein by the Plaintiffs and the Court having considered said *Motion* and *Response* and, the Court being fully advised in the matter and being of the opinion that the Court does not have subject matter jurisdiction to consider the merits of the Plaintiff's claims as set forth in the Complaint filed herein, the *Motion to Dismiss* is well-taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that this matter is hereby dismissed without prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with the parties to bear their own costs.

SO ORDERED AND ADJUDGED this the 11th day of August, 2009.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE

Presented By:

Tim L. Waycaster (MSB # 7007)
Waycaster & Waycaster, LLP
605 Steed Rd.
Ridgeland, MS 39157
601-898-9991 – telephone
601-856-5767 – facsimile

Bruce M. Kuehnle, Jr. (MSB #4274)
P.O. Box 866
Natchez, MS 39121
601-442-2733 – telephone

Attorneys for Plaintiff, Worley Brown, LLC